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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,291	09/25/2000	Jean-Paul Debalme	1247-0849-6VF	1279
22850	7590	03/22/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			LEE, EDMUND H	
			ART UNIT	PAPER NUMBER
			1732	
DATE MAILED: 03/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/668,291

Applicant(s)

DEBALME ET AL.

Examiner

EDMUND H. LEE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 20-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/5/04 has been entered.
2. Claims 1-6 and 20-26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims introduce new matter into the disclosure. The added material which is not supported by the original disclosure is as follows:
 - a) the phrase "heated rollers having heating elements therein" (cl 1, lns 9-10) lacks antecedent basis in the claim. There is no support for heating elements within the heated rollers.
 - b) the phrase "heated rollers having heating elements therein" (cl 20, lns 8-9) lacks antecedent basis in the claim. There is no support for heating elements within the heated rollers.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loubinoux et al (USPN 6294036) in view of Angell, Jr. et al (USPN 5037284), Kuts (USPN 2954815) and Suzuki (USPN 6296469). In regard to claim 1, Loubinoux et al teach the basic claimed process including a process for manufacturing a composite tape based on reinforced fibers and thermoplastic organic material (col 2, ln 10-col 3, ln 40; figs 1-6); entraining yarns based on thermoplastic and reinforcing fibers and bring together the yarns in a parallel and touching manner in the form of a sheet (col 2, ln 10-col 3, ln 40; figs 1-6); heating the sheet in a heating zone wherein the sheet is heated to a temperature reaching at least the melting point of the thermoplastic without reaching the softening temperature of the reinforcing fibers (col 2, lns 10-col 3, ln 40; figs 1-6); introducing the sheet against at least one rotating bar that shapes and centers the touching yarns of the sheet wherein the sheet is maintained at a temperature at which the thermoplastic is malleable and the touching yarns are brought together into a more touching state (col 2, lns 63-66; col 3, ln 66-col 4, ln 28)--as a note, the elimination of the corrugations indicate that the touching yarns were moved into a more touching state; and cooling the sheet in order to consolidate the yarns by freezing the thermoplastic and set the dimension and appearance of the sheet (col 5, ln 52-col 6, ln 10; figs 1-6). However, Loubinoux et al does not teach a rotating impregnation device

including heated rollers that maintains the temperature of the sheet at a temperature at which the thermoplastic is malleable and distributes the thermoplastic uniformly and impregnates the fibers; a shaping and centering device including a roller in a shape of a hyperboloid; and using heated rollers having heating elements therein. In regard to a rotating impregnation device, Angell, Jr. et al teach a process for manufacturing resin-impregnated fiber tows (figs 1-2); using an impregnation station including kneader rolls and nip rolls positioned before a centering roll wherein the kneader and nip rolls cause uniform distribution of the resin and uniform impregnation of the fibers (col 4, lns 18-50; figs 1-2); and heating the kneader rolls and nip rolls to maintain the resin in a molten condition (col 4, lns 42-48; figs 1-6). Angell, Jr. et al also teach maintaining the resin portion of the impregnated tow in a molten condition by applying external heating through radiant heaters or heated air, and enclosing the coating area inclusive of the kneader rolls, nip rolls, and coating rolls in order to maintain an elevated temperature environment (col 4, lns 42-48)--as a note, these teachings constitute using a rotating impregnation device including heated rollers. Loubinoux et al and Angell, Jr. et al are combinable because they are analogous with respect to forming a fiber-reinforced tape/sheet/tow. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to redesign the apparatus of Loubinoux et al to include the heated kneader rolls and nip rolls of Angell, Jr. et al between the heating zone and at least one rotating bar of Loubinoux et al in order to produce a fiber-reinforced sheet having greater strength and uniformity. In regard to a shaping and centering device including a roller in a shape of a hyperboloid, Loubinoux et al teach using a bar for

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centering having a varying cross-section and curved (col 4, lns 34-50). Kuts teaches a method of forming a ribbons from rubber threads (figs 1-3); and using a concave or hour glass roll 52 to gather threads, i.e., to crowd/bring together threads (col 4, lns 60-67; figs 7 and 11). Loubinoux et al and Kuts are combinable because they analogous with respect to using a roll/bar to center threads/yarns. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the concave or hour glass roller of Kuts for the bar of Loubinoux et al in order to ensure accurate gathering of the yarns of Loubinoux et al. In regards to using heated rollers having heating elements therein, Suzuki teaches using heated rollers having heating elements therein in order to place the film that is passed between the rollers in a fluidized state (col 3, lns 20-26; fig 2). Loubinoux et al (modified) and Suzuki are combinable because they are analogous with respect to heating a film of material in order to place the film in a fluidized state. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use heated rollers having elements therein in the process of Loubinoux et al (modified) in order to reduce cycle time by efficiently heating the film as it passes between the rollers of Loubinoux et al (modified). In regard to claims 2-6, Loubinoux et al teach providing yarns consisting of continuous glass filaments and continuous thermoplastic filaments which are co-mingled (col 2, ln 10-col 3, ln 40); unreeling a continuous yarn of reinforcing filaments and thermoplastic filaments and regulating the tension of the yarns (col 2, ln 10-col 3, ln 40; col 8, lns 50-60; figs 1-6); passing the sheet (15, 18, or 19) through an additional heating zone (17) after the sheet has passed the impregnation device (fig 2)--as a note,

fig 2 clearly shows that the additional heating zone (17) is positioned downstream of the rotating bars (24, 25); and winding the fiber-reinforced sheet on a mandrel (col 5, lns 30-33). However, Loubinoux et al does not teach stripping static electricity from the yarns before passing the yarns through the heating zone. Such is well-known in the molding art in order to prevent the embedment of contamination or eliminate the risk of producing sparks. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to strip any static electricity from the yarns of Loubinoux et al before they are heated in order to ensure a safe molding process and produce a high quality contaminate-free, fiber-reinforced sheet.

5. Claims 20-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loubinoux et al (USPN 6294036) in view of Angell, Jr. et al (USPN 5037284), Kuts (USPN 2954815), and Suzuki (USPN 6296469). In regard to claim 20, Loubinoux et al teach the basic claimed process including a process for manufacturing a composite tape based on reinforced fibers and thermoplastic organic material (col 2, ln 10-col 3, ln 40; figs 1-6); entraining yarns based on thermoplastic and reinforcing fibers and bring together the yarns in a parallel and touching manner in the form of a sheet (col 2, ln 10-col 3, ln 40; figs 1-6); heating the sheet in a heating zone wherein the sheet is heated to a temperature reaching at least the melting point of the thermoplastic without reaching the softening temperature of the reinforcing fibers (col 2, lns 10-col 3, ln 40; figs 1-6); introducing the sheet against at least one rotating bar that shapes and centers the touching yarns of the sheet wherein the sheet is maintained at a temperature at which the thermoplastic is malleable and the touching yarns are brought together into a more

touching state (col 2, lns 63-66; col 3, ln 66-col 4, ln 28)--as a note, the elimination of the corrugations indicate that the touching yarns were moved into a more touching state; and cooling the sheet in order to consolidate the yarns by freezing (col 5, ln 52-col 6, ln 10; figs 1-6). However, Loubinoux et al does not teach a rotating impregnation device including heated rollers that maintains the temperature of the sheet at a temperature at which the thermoplastic is malleable and distributes the thermoplastic uniformly and impregnates the fibers; a shaping and centering device including a roller in a shape of a hyperboloid ; and using heated rollers having heating elements therein. In regard to a rotating impregnation device, Angell, Jr. et al teach a process for manufacturing resin-impregnated fiber tows (figs 1-2); using an impregnation station including kneader rolls and nip rolls positioned before a centering roll wherein the kneader and nip rolls cause uniform distribution of the resin and uniform impregnation of the fibers (col 4, lns 18-50; figs 1-2); and heating the kneader rolls and nip rolls to maintain the resin in a molten condition (col 4, lns 42-48; figs 1-6). Angell, Jr. et al also teach maintaining the resin portion of the impregnated tow in a molten condition by applying external heating through radiant heaters or heated air, and enclosing the coating area inclusive of the kneader rolls, nip rolls, and coating rolls in order to maintain an elevated temperature environment (col 4, lns 42-48)--as a note, these teachings constitute using a rotating impregnation device including heated rollers. Loubinoux et al and Angell, Jr. et al are combinable because they are analogous with respect to forming a fiber-reinforced tape/sheet/tow. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to redesign the

apparatus of Loubinoux et al to include the heated kneader rolls and nip rolls of Angell, Jr. et al between the heating zone and at least one rotating bar of Loubinoux et al in order to produce a fiber-reinforced sheet having greater strength and uniformity. In regard to a shaping and centering device including a roller in a shape of a hyperboloid, Loubinoux et al teach using a bar for centering having a varying cross-section and curved (col 4, lns 34-50). Kuts teaches a method of forming a ribbons from rubber threads (figs 1-3); and using a concave or hour glass roll 52 to gather threads, i.e., to crowd/bring together threads (col 4, lns 60-67; figs 7 and 11). Loubinoux et al and Kuts are combinable because they analogous with respect to using a roll/bar to center threads/yarns. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the concave or hour glass roller of Kuts for the bar of Loubinoux et al in order to ensure accurate gathering of the yarns of Loubinoux et al. In regards to using heated rollers having heating elements therein, Suzuki teaches using heated rollers having heating elements therein in order to place the film that is passed between the rollers in a fluidized state (col 3, lns 20-26; fig 2). Loubinoux et al (modified) and Suzuki are combinable because they are analogous with respect to heating a film of material in order to place the film in a fluidized state. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use heated rollers having elements therein in the process of Loubinoux et al (modified) in order to reduce cycle time by efficiently heating the film as it passes between the rollers of Loubinoux et al (modified). In regard to claims 21-26, Loubinoux et al teach providing yarns consisting of continuous glass filaments and continuous

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thermoplastic filaments which are co-mingled (col 2, ln 10-col 3, ln 40); unreeling a continuous yarn of reinforcing filaments and thermoplastic filaments and regulating the tension of the yarns (col 2, ln 10-col 3, ln 40; col 8, lns 50-60; figs 1-6); passing the sheet (15, 18, or 19) through an additional heating zone (17) after the sheet has passed the impregnation device (fig 2)--as a note, fig 2 clearly shows that the additional heating zone (17) is positioned downstream of the rotating bars (24, 25); winding the fiber-reinforced sheet on a mandrel (col 5, lns 30-33); and cooling the sheet in order to consolidate the yarns by freezing the thermoplastic and set the dimension and appearance of the sheet (col 5, ln 52-col 6, ln 10; figs 1-6). However, Loubinoux et al does not teach stripping static electricity from the yarns before passing the yarns through the heating zone. Such is well-known in the molding art in order to prevent the embedment of contamination or eliminate the risk of producing sparks. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to strip any static electricity from the yarns of Loubinoux et al before they are heated in order to ensure a safe molding process and produce a high quality contaminate-free, fiber-reinforced sheet.

6. Applicant's arguments with respect to claims 1-6 and 20-26 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is 571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaanni can be reached on 571.272.1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EDMUND H. LEE
Primary Examiner
Art Unit 1732

EHL



3/15/09